

statement or utility bill or any other kind of paycheck stubs with their name and address on it. Any of those people who do exist can vote provisionally, and they should be able to vote provisionally. I think there is a handful at most, and we will accommodate them through provisional voting. But I am most worried, for future elections, that there were 30,000 names that came in out of the blue, mail-in registrations that had not been checked in the city of St. Louis. I would like to believe they are all legitimate voters who all of a sudden got the real view that they ought to register in one two-day period. But 15 percent of the electorate? I don't think so.

Mr. President, I am not willing to give up on this process. But I am not willing to see a bill go through that makes it easier to vote and easier to cheat. I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, first of all, I thank my colleague from Missouri for his expression of trying to find some common ground. We know each other pretty well, and I would never question the motivations of my friend from Missouri. He brings a lot of passion to matters he cares about. I like people who do that.

As he knows, there has been a tireless effort to cobble together a proposal here that would enjoy the broad-based support of this institution. We are dealing with 98 other colleagues, and when you deal with a matter like elections, everybody is an expert. We have all been through them and everybody has a point of view—unlike in other matters where members can defer to other colleagues. Here everybody has something to contribute to the discussion and debate. I accept his words here to try to find some resolution of the situation we are in. That is what I have tried to do for a couple of weeks. Sometimes you need to have the votes, because then you know where; you are. Votes will let you know.

This place is pretty equally divided on this issue. We have to try to find something here where a center can gather and move the bill forward. We are hoping to do that.

On the second-degree amendment—and I appreciate him offering an amendment that is substantive and that goes to the heart of this. It is not a frivolous amendment. It is one not the least of which is—I presume the amendment refers to the U.S. Attorney General. My colleague indicates that is the case. The concern, I suppose, we hear from all States is that in this bill they want to avoid to have the Justice Department all of a sudden be reaching into States. We are already trying to become a better partner in the election process, and that attorneys general, regardless of party, can all of a sudden, under this amendment, be engaged in some “fishing expeditions” on some of these matters—I think we would all be concerned about that.

There may be something we can work on that may provide a means by which

we can come to an agreement on the issue of signatures and attestations. Let me say to my friend as well—and he and I went through this a great deal, back and forth, on how we can resolve these issues. As I understand it—and it gets hard trying to identify exactly what each State does—there are 28 or 29 States that do an attestation or signature. I may be off by a State or 2. As I went down the list and tried to determine how many States do that, many of these States believe that is a very viable means by which to deal with the fraud issue.

I know my colleague from Missouri has had different experience in his State. I don't argue with that, except to say that around the country there are different views on how best to achieve these results. There is nothing in here, obviously, that precludes the photo ID from being a part of that means of identification. The issue is whether or not we are going to, in some way, restrict these other means of verification that a majority of States have been comfortable with over the years, and then if there is something else we might add to that to address the concerns the Senator from Missouri raised.

Aside from these particular amendments that are pending, I will point out that, historically, the efforts of enforcement have to be in the States; that is, where there is a problem of fraud, the States have to pursue it. The Presiding Officer brings to this issue more than a casual acquaintance with these issues having been—the Secretary of State in his State worked directly in these areas. I presume he could bring to this discussion some additional thoughts and ideas, and I am grateful to him for that.

As I said, the attestation and signature have been used, and many States are comfortable with that. I am hopeful we can find some mechanism which will allow us to get beyond this particular issue in such a way that while it would not do everything, as my colleague from Missouri might want, it certainly will do more than the present situation.

What I suggest, because we have to resolve this one way or the other, is that we take some time and get our respective staffs together and sit down and skull on this and see if we can hammer out some ideas and come back with some proposals on how we might deal with this.

My friend from Missouri is nodding in the affirmative. Rather than talking, it seems to me we would be advised to sit down and see, over the next half hour or hour, if we can come back with some ideas for consideration. That is the path we will follow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 1 p.m., with Senators allowed to speak for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the Senate stand in recess subject to the call of the chair.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:16 p.m., recessed until 12:27 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, the managers of the bill and staff are working through the amendment that is now before the Senate and trying to resolve this issue. We hope we can move forward on this legislation. There has been a tremendous amount of time spent on it. The majority leader indicated that he wants to move this legislation as quickly as possible. The energy legislation is waiting until this bill is completed in some form or fashion. I hope everyone will understand it will be to everyone's benefit if we can proceed. There has been a hue and cry from the other side that we need to do the energy legislation. The only thing holding up our moving to that is the legislation now before the Senate, the reform bill on the election process in America. I hope that can be done as soon as possible.

We are now in a period of morning business until 1 o'clock. At that time, the decision will be made as to what will transpire thereafter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CAMPAIGN FINANCE REFORM

Mr. BENNETT. Madam President, we are about to finalize and pass on to the President a bill on campaign finance reform. Anyone who has followed the proceedings during the years knows that I have been opposed to this since I first came into the Chamber back in 1993. I remember participating in an all-night filibuster against it, which Senator Mitchell forced us to go through. My hour, as I recall, was something between 1 and 2 in the morning because I didn't have enough seniority to have an hour that was more compatible with my sleeping patterns.

I have done everything to see to it that this bill does not become law, for one very fundamental reason: I believe it is clearly unconstitutional. It violates both the spirit and the letter of the work of James Madison. I have quoted Madison on the floor, but I have been unsuccessful. It is clear to me now that the law is going to pass. It is, in all probability, going to be signed.

I want to take a moment or two to outline, in the spirit of some prophecy, what I think is going to happen as a result of the bill. I have tried to be as objective as possible and set aside my deeply felt conviction that this bill violates what Madison was telling us in the tenth Federalist about appropriate government. The first thing that is very clear is that this bill will weaken—I won't go so far as to say “destroy,” as some others have said—both political parties. Neither party will be able to raise the money to pay the lights, run the overhead, keep the operation going and, at the same time, participate significantly in the campaigns of its members. By banning so-called soft money, we guarantee that each party will have to raise hard money to keep its overhead going and, therefore, be unable to put as much money and as much muscle into individual campaigns. This means that special interest groups which can raise this money have raised this money and will continue to raise this money and will play an increasing role in political campaigns. That is, the vacuum created by pushing down the role of parties will be filled by special interest group money. We are already seeing this. I have seen it in my home State of Utah. The net effect of it will be that candidates will increasingly lose control of their own campaigns.

We saw an example in Utah, where candidate X was attacked by a special interest group over a particular issue. Candidate Y, who normally would benefit from that kind of attack, in fact, was appalled at the attack and did everything she could to stop it because she felt, correctly, that it was reflecting on her. The voter could not differentiate between the source, whether it was from a special interest group or

the political campaign. All the voter knew was that these ads were unnecessarily nasty, unnecessarily antagonistic, attacking candidate X. They took it out on candidate Y. They blamed her for the attacks, and she was powerless to do anything about it because special interest groups have the right to run their own campaigns.

As a result of the passing of campaign finance reform, she would be even more powerless to defend herself against that kind of circumstance because she could not call on her national party for assistance. The party will be prevented from providing the kind of help that is currently available. So, as I say, the net effect will be to increase the power of special interest groups in campaigns and to decrease the abilities of a candidate to manage his or her own campaign.

The next thing I see coming out of this is, of course, a plethora of lawsuits, because the bill is very badly written, it is badly drafted, and it creates a whole series of vague references to the relationship between the national party and the State party, Federal money, State money, what can be done by a State party to try to advance its candidates; and what happens if the State party spends money in a way that somehow is deemed to advance a national candidate, or Federal candidate? Let's have a lawsuit. Let's be in court. Let's have all kinds of disputes.

Once again, by limiting the amount of money that parties can raise, it will drain off party money to handle legal bills. So, once again, the party will be less capable of defending its own candidates in the political arena.

Now, at the moment, my judgment is that there are more special interest groups involved in issue advocacy campaigns who support Democrats than there are who support Republicans. I have seen one study—I have no idea how accurate it is—that indicates that in the last Presidential campaign there was about \$300 million, total, spent on both sides. If you take the money allocated to the parties, the Republican Party outspent the Democratic Party. But when you add in the issue advocacy money spent by special interest groups, most of it was on the Democratic side of the ledger, so the total, according to this one study, suggested that you got to rough parity between the two sides in the election. Now, I think the initial effect will be—if it is true there are more special interest groups supporting Democrats—you will see a financial benefit for the Democrats through that special interest group, if indeed the money spent does benefit them. Once again, we come back to the example I described in Utah, where the money spent by the special interest group damaged the candidate it was supposed to help, because the candidate had no control, no input, and had lost control of her campaign.

Let's assume, for the moment, that all of the money spent by the special

interest groups on behalf of Democratic candidates is well spent and produces a benefit for the Democratic candidates. There will be an attempt—and I suspect overtime it will be successful—for Republicans to create special interest groups to balance that.

We will, once again, get to the point of rough parity because money and politics abhor a vacuum. We will have just as much money spent on politics as we have now. The difference is that it will be channeled either through existing special interest groups, most of which, as I say, benefit the Democrats, or newly created special interest groups to counter that, created to benefit the Republicans. Once again, the total impact will be that candidates and parties will lose control over their elections.

I hope the time does not come, but I think it is possible, where candidates and parties become almost insignificant in political campaigns; where political campaigns are fought between major special interest groups and candidates simply sign up with which interest group they are going to endorse and then sit back, watch the money get spent, and watch the results come in, with our historic political parties significantly weakened, a candidate's ability to manage his own campaign significantly degraded, and ultimately politics in this country the worst as a result of the passage of this legislation.

I lay that down, Madam President, as my view of what is going to happen. The bill will be passed. If the bill is signed, then we can all wait and see. I hope I am wrong. I hope the reformers are right and we will enter a new era of magnificent good feeling about politics.

My expectation is that, as has been the case with most reform efforts until now, we will see things get worse rather than better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS OF JUDGE CHARLES PICKERING AND JUDGE BROOKS SMITH

Mr. SPECTER. Madam President, I have sought recognition to announce my support for the nomination of District Court Judge Charles Pickering to the Court of Appeals and make some comments about the pending nomination of Judge D. Brooks Smith, now